

No. 12137

United States
Court of Appeals
for the Ninth Circuit

ADRIANO LLANOS-SENARILLOS,
Appellant,

vs.

UNITED STATES OF AMERICA,
Appellee.

Transcript of Record

Appeal from the United States District Court
for the Southern District of California
Central Division

APR 20 1949

PAUL P. O'BRIEN,
CLERK

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS

For Appellant:

DONALD KOLTS,
ORAL R. FINCH,

909 Subway Terminal Bldg.,
Los Angeles 13, Calif.

For Appellee:

JAMES M. CARTER,
United States Attorney,

NORMAN W. NEUKON,
LEILA F. BULGRIN,

Assistants U. S. Attorney,
600 U. S. Post Office & Court House Bldg.,
Los Angeles 12, Calif. [1 *]

* Page numbering appearing at foot of page of original certified Transcript of Record.

In the District Court of the United States, In and
For the Southern District of California, Central
Division

September, 1948, Term

No. 20324

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIANO LLANOS-SENARILLOS,

Defendant.

INDICTMENT

[U.S.C., Title 8, Sec. 152—False Statement in Immigration Matter.]

The grand jury charges:

On or about April 20, 1948, at Los Angeles County, California, in the Central Division of the Southern District of California, defendant Adriano Llanos-Senarillos did knowingly and wilfully swear to a false statement in a matter affecting the right of the defendant to remain in the United States, before Lewis A. Denny, a duly appointed Immigrant Inspector of the Immigration and Naturalization Service, of the United States Department of Justice, and authorized by law to administer oaths in such matters, namely: the defendant testified that he had never resided in the United States prior to 1945; that

he had never been deported from the United States and that he had never been convicted of a crime, whereas in truth and in fact, as the defendant then and there well knew, defendant had resided in the United States prior to 1945, defendant had been deported from the United States on February 14, 1940, and defendant had been convicted of the crime of petit larceny on March 22, 1935, and of the crime of first degree burglary on July 21, 1937.

A True Bill.

/s/ (Illegible),
Foreman.

/s/ JAMES M. CARTER,
United States Attorney.

[Endorsed]: Filed Oct. 6, 1948. [2]

At a stated term, to wit: The September Term, A.D. 1948, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles, on Monday the 25th day of October in the year of our Lord one thousand nine hundred and forty-eight.

Present: The Honorable Peirson M. Hall, District Judge.

[Title of Cause.]

For arraignment and plea; A. P. Moran, Assistant U. S. Attorney, appearing as counsel for Government; Oral R. Finch, Esq., appearing as counsel for

defendant, who is present on bond; defendant states his true name is as set forth in Indictment, is informed he is entitled to jury trial and counsel, waives reading of Indictment and pleads not guilty. Court

[Title of District Court and Cause.]

orders cause set for trial Nov. 23, 1948, 10 a.m. [3]

WAIVER OF JURY

The above-entitled cause coming on regularly for trial, defendant being present with counsel, Oral R. Finch, Esq., and the defendant being desirous of having the case tried before the Court without a jury, now requests of the Court that the case be so tried and hereby consents that the Court shall sit without a jury and hear and determine the charges against the defendant without a jury. The defendant also waives any special finding of facts by the Court.

Dated 11-23-48.

/s/ ADRIANO S. LLANOS,
Defendant in pro per.

I have advised the defendant fully as to his (her) rights and assure the Court that his (her) request for trial without a jury and waiver of special findings is understandingly made.

Dated 11-23-48.

/s/ ORAL R. FINCH,
Attorney for Defendant.

The United States Attorney hereby waives any special finding of facts and consents that the re-

quest of the defendant be granted and that the trial proceed without a jury.

Dated 11-23-48.

JAMES M. CARTER,
U. S. Attorney,

By /s/ LEILA F. BULGRIN,
Assistant U. S. Attorney.

Approved 11/26/48.

/s/ PEIRSON M. HALL,
United States District Judge.

[Endorsed]: Filed Nov. 28, 1948. [4]

At a stated term, to wit: The September Term, A.D. 1948, of the District Court of the United States of America, within and for the Central Division of the Southern District of California, held at the Court Room thereof, in the City of Los Angeles, on Friday the 26th day of November in the year of our Lord one thousand nine hundred and forty-eight.

Present: The Honorable Peirson M. Hall, District Judge.

[Title of Cause.]

For jury trial; Leila Bulgrin, Assistant U. S. Attorney, appearing as counsel for Government; Oral R. Finch and Donald Kolts, Esqs., appearing as counsel for defendant, who is present on bond; counsel stipulate to a non-jury trial and present a waiver

of jury, which is signed and ordered filed. The Court orders that the trial proceed.

Katherine Blum is called, sworn, and testifies for Government. U. S. Exhibit 1 is marked for identification.

Lewis A. Denny is called, sworn, and testifies for Government. U. S. Exhibits 2, 3, and 4 are marked for identification.

On motion of Attorney Bulgrin, U. S. Exhibits 1 to 4, inclusive, are admitted in evidence.

Wm. A. Molter is called, sworn, and testifies for Government.

On motion of Attorney Bulgrin, and counsel for defendant interposing no objection thereto, U. S. Exhibits 5, 6, and 7 are admitted in evidence.

Government rests. At 10:40 a.m. court recesses. At 11 a.m. court reconvenes herein and all being present as before, Court orders trial proceed.

Attorney Kolts moves the Court for a judgment of acquittal and said motion is denied.

Adriano Senarillas-Llanas is called, sworn, and testifies in his own behalf. Defendant rests. [5]

Attorney Bulgrin makes opening statement in behalf of Government. Attorney Kolts argues in behalf of defendant. Attorney Bulgrin makes closing statement in behalf of Government. Court finds defendant guilty as charged and orders cause referred to Prob. Officer for investigation and report and continued to Dec. 20, 1948, 2 p.m., for hearing said report and sentence, and that meantime defendant remain at liberty on his present bond. [6]

District Court of the United States for the Southern
District of California, Central Division

No. 20324—Criminal

UNITED STATES OF AMERICA,

vs.

ADRIANO SENARILLOS-LLANOS.

JUDGMENT AND COMMITMENT

On this 20th day of December, 1948, came the attorney for the government and the defendant appeared in person and by counsel, Donald Koltz, Esq.

It Is Adjudged that the defendant has been convicted upon his plea of not guilty, and a finding of guilty of the offense of knowingly and wilfully swearing to a false statement in a matter affecting the right of the defendant to remain in the United States, in violation of Section 152, Title 8, U. S. Code, as charged in the Indictment, and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of six (6) months in an institution to be selected by the Attorney General.

It Is Adjudged that on the Court's own motion the

bond of the defendant is hereby exonerated, the defendant remanded to the custody of the U. S. Marshal forthwith, and that the bond of the defendant on appeal be fixed in the sum of \$1,000.00.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ PEIRSON M. HALL,
United States District Judge.

[Endorsed]: Filed Dec. 20, 1948. [7]

[Title of District Court and Cause.]

NOTICE OF APPEAL

That the defendant's name is Adriano Llanos-Senarillos and his address is 800 East Edgeware Road, Los Angeles 26, California.

That the defendant's attorneys and their addresses are Donald Kolts and Oral R. Finch, 909 Subway Terminal Bldg., 417 South Hill Street, Los Angeles 13, Calif., telephone MAdison 60651.

That the defendant is charged with the offense of perjury (U.S.C., Title 8, Sec. 152—False Statement in Immigration Matter).

That on the 20th day of December, 1948, judgment was passed upon the defendant in the above-entitled action and the following sentence imposed upon him:

Six months in the custody of the Attorney General.

I, the above-named appellant, hereby appeal to the United States Circuit Court of Appeals for the Ninth Circuit from the above [8] judgment.

Dated December 20, 1948.

DONALD KOLTS, and
ORAL R. FINCH,

By /s/ DONALD KOLTS,
Attorneys for Appellant.

[Endorsed]: Filed Dec. 20, 1948. [9]

[Title of District Court and Cause.]

DESIGNATION OF RECORD ON APPEAL

The defendant respectfully requests that the Clerk of the Court prepare and forward to the United States Circuit Court of Appeal for the Ninth Circuit the following record on appeal:

1. A transcript of the testimony of Lewis A. Denny given upon the trial of the above matter;
2. The testimony of Adriano Llanos-Senarillos given upon the trial of the above matter;
3. A copy of Exhibit No. 1 admitted in evidence at the trial of the above action.

Dated January 5, 1949.

DONALD KOLTS, and
ORAL R. FINCH,

By /s/ ORAL R. FINCH,
Attorneys for Appellant.

[Endorsed]: Filed Jan. 15, 1949. [10]

[Title of District Court and Cause.]

DESIGNATION OF RECORD ON APPEAL

The United States of America respectfully requests that the Clerk of the Court prepare and forward to the United States Court of Appeals for the Ninth Circuit, the following additional record on appeal:

1. The Judgment filed December 20, 1948.

Dated this 14th day of January, 1949.

JAMES M. CARTER,
United States Attorney,

NORMAN W. NEUKOM,
Assistant U. S. Attorney,
Chief of Criminal Division,

/s/ LEILA F. BULGRIN,
Assistant U. S. Attorney,
Attorneys for Plaintiff.

(Affidavit of Service by Mail attached.)

[Endorsed]: Filed Jan. 14, 1949. [11]

[Title of District Court and Cause.]

AFFIDAVIT IN SUPPORT OF AND ORDER
EXTENDING TIME TO FILE RECORD ON
APPEAL

State of California,
County of Los Angeles—ss.

Oral R. Finch, being first duly sworn, deposes and
says:

That he is one of the attorneys for the defendant in the above-entitled matter. That the last day for filing the record on appeal in the United States Circuit Court of Appeals for the Ninth Circuit is January 29, 1949. That through inadvertence the Reporter's Transcript was not ordered until some days ago and that the reporter in the District Court who reported this case has advised affiant that he is working on two other appeals, has been out of town, and expects to be in Court every day with the exception of weekends and that such weekends are the only time that he will be able to work on the preparation of the Transcript in the within matter. That the said reporter has requested that affiant obtain an order extending the time [13] for filing the record on appeal in the aforementioned Circuit Court of Appeals for a period of forty-five days from the date of this affidavit.

Wherefore, affiant prays this Honorable Court that it make its order extending the time for the filing the record on appeal in the United States Circuit Court

of Appeals for the Ninth Circuit to and including March 12, 1949.

/s/ ORAL R. FINCH,
Affiant.

Subscribed and sworn to before me this 25th day of January, 1949.

(Seal) /s/ BENJAMIN W. HENDERSON,
Notary Public in and for Los Angeles, State of California.

Upon reading the foregoing affidavit, and good cause appearing, it is hereby Ordered that the time for filing the record on appeal to the United States Circuit Court of Appeals for the Ninth District in the within matter be, and it is hereby extended to and including March 12, 1949.

Dated at Los Angeles, California, this 25th day of January, 1949.

/s/ PEIRSON M. HALL,
Judge of the District Court of the United States, in and for the Southern District of California, Central Division.

[Endorsed]: Filed Jan. 25, 1949. [14]

[Title of District Court and Cause.]

CERTIFICATE OF CLERK

I, Edmund L. Smith, Clerk of the United States District Court for the Southern District of California, do hereby certify that the foregoing pages numbered from 1 to 15, inclusive, contain the original Indictment; Waiver of Jury; Judgment and Commitment; Notice of Appeal; Appellant's and Appellee's Designations of Record on Appeal; and Affidavit in Support of and Order Extending Time to File Record on Appeal and full, true and correct copies of Minute Orders Entered October 25 and November 26, 1948, which, together with the original Reporter's Transcript of Proceedings on November 26 and December 20, 1948, and original U. S. Exhibit No. 1, transmitted herewith, constitute the record on appeal to the United States Court of Appeals for the Ninth Circuit.

I further certify that my fees for preparing and certifying the foregoing record amount to \$2.80 which sum has been paid to me by appellant.

Witness my hand and the seal of said District Court this 9th day of March, A.D. 1949.

(Seal)

EDMUND L. SMITH,
Clerk.

In the District Court of the United States, In and
For the Southern District of California, Central
Division

Honorable Peirson M. Hall, Judge Presiding.

No. 20324 Criminal

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIANO LLANOS-SENARILLOS,

Defendant.

REPORTER'S TRANSCRIPT OF
PROCEEDINGS ON TRIAL

Los Angeles, California

November 26, 1948

Appearances: For the Government: James M. Carter, United States Attorney, Los Angeles 12, California; by Leila F. Bulgrin, Assistant United States Attorney. For the Defendant: Donald Kolts, Esq., 303 Rives-Strong Building, Los Angeles 15, California; and Oral R. Finch, Esq., 909 Subway Terminal Building, Los Angeles 13, California. [1*]

* * * *

LEWIS A. DENNY

called as a witness by and on behalf of the government, having been first duly sworn, was examined and testified as follows:

The Clerk: Will you state your name?

The Witness: Lewis A. Denny; L-e-w-i-s, A.,
D-e-n-n-y.

* Page numbering appearing at foot of page of original certified Reporter's Transcript.

(Testimony of Lewis A. Denny.)

The Clerk: Your address?

The Witness: Immigration and Naturalization Service.

The Clerk: Take the stand.

Direct Examination

By Mrs. Bulgrin:

Q. Mr. Denny, what is your business or occupation?

A. I am a United States Immigrant Inspector.

Q. Were you so occupied on April 20, 1948?

A. I was.

Q. Mr. Denny, have you ever seen the defendant in this [9] case, Mr. Llanos, before?

A. I have.

Q. What was the occasion?

A. Well, in connection with my work I was assigned a file of Adriano Llanos containing an application for suspension of deportation on which a warrant of arrest in deportation proceedings had been issued.

Q. Had that application been made by Mr. Llanos?

A. So far as I know at that time, yes. That is, he had submitted himself to deportation and asked a suspension. So I served the warrant on him and this is the man that I served the warrant on on February 10th of this year.

Q. What was the occasion on April 20, 1948?

A. The hearing to determine whether the Attorney General would exercise his discretion to suspend deportation and to gather the evidence concerning

(Testimony of Lewis A. Denny.)

his eligibility to that relief, his criminal record, family history, as required by Section 19(c) of the Act of 1917.

Q. Do you recall, Mr. Denny, that this defendant was testifying under oath?

A. He was testifying under oath.

Q. Given by you? A. Yes, on all occasions.

The Court: Did you administer the oath?

The Witness: I did, sir. [10]

By Mrs. Bulgrin:

Q. Do you recall, Mr. Denny, if the hearing was in English?

A. It was taken in the English language, he having stated that he understood the English language and spoke the English language.

Q. Did the defendant converse in English?

A. He did.

Q. Who else was present at that hearing, Mr. Denny?

A. Miss Blum took the notes of the hearing. I don't think any other testimony was taken from any witnesses other than Mr. Llanos on that date on the 20th of April.

Q. Mr. Denny, do you recall whether or not any testimony was given by Mr. Llanos at that time in regard to this form?

The Court: Let us have the form marked for identification as well so that the record will show.

Mrs. Bulgrin: Yes, your Honor.

The Witness: We have a certified copy of the form.

The Court: She will take it out of the file.

(Testimony of Lewis A. Denny.)

Mrs. Bulgrin: I don't believe we do have.

The Court: The witness states he would like to have the certified copy included in the record. Whatever originals are of the immigration files are to go into evidence and they can be withdrawn and copies substituted later. [11]

Mrs. Bulgrin: We have a photostat, your Honor.

The Court: This is the form you refer to?

Mrs. Bulgrin: Yes, it is, your Honor.

The Court: Do you have the original?

Mrs. Bulgrin: No, I don't believe this is the correct form. Yes, this is it, your Honor. I have the original here for opposing counsel to compare with.

The Court: This will be marked Government's Exhibit No. 2 for identification.

(The document referred to was marked Government's Exhibit No. 2 for identification.)

The Court: Do you wish to examine the witness on this matter?

Mrs. Bulgrin: Yes, I do, your Honor.

The Witness: What was the question, please?

By Mrs. Bulgrin:

Q. Calling your attention to that form, was there any testimony given in regard to that form by the defendant Adriano Llanos? A. There was.

Q. Was that form exhibited to the defendant at any time during the hearing?

A. It was. This is the basis for the entire procedure. The first Form I-256 is submission to deportation proceedings and application for suspension of deportation which is executed [12] by the——

(Testimony of Lewis A. Denny.)

The Court: Was that submitted to you in his presence?

The Witness: Yes. I submitted it to him.

The Court: With the blanks filled out?

The Witness: They had been filled out prior to the time he came to my attention.

By Mrs. Bulgrin:

Q. In other words, the form was fully executed when he came to you? A. Yes.

I asked him if that was his signature appearing on the Form I-256 and I-55, and he acknowledged that it was.

Then I asked him to read it carefully and state whether any changes should be made.

Q. Did he read it carefully? A. He did.

I asked him particularly to check it as to his present address, his employment, whether there were any arrests that had not been recorded on the form.

I asked him particularly to examine Item No. 24.

Q. Why did you ask him to examine that particular item, Mr. Denny?

The Court: That is a conclusion. Just what you said to him. [13]

By Mrs. Bulgrin:

Q. What did you say to him, Mr. Denny?

A. I asked him to examine Item 24 and see if it was correct or if he desired to make any changes, and he said no.

Q. Did you have in mind any other items on that form, or just that one? A. No.

The Court: What the witness had in mind?

By Mrs. Bulgrin:

(Testimony of Lewis A. Denny.)

Q. Did you ask him to examine particularly any of the other items on the form?

A. Let me say, I asked him to examine the form carefully, all items, and then state whether he wanted to make any changes, particularly with reference to his address, his employment and arrests, and directed his attention particularly to the Item No. 24 on Exhibit No. 2.

The Court: This Item No. 24 and the whole form was in the same condition, that is, as to the blanks being filled out, as it is now?

The Witness: It is.

The Court: At the time you submitted it to him?

The Witness: Yes.

The Court: What date was that?

The Witness: On the 20th of April, sir. [14]

By Mrs. Bulgrin:

Q. That particular paper was offered in evidence, was it, in that hearing?

A. It was made Exhibit No. 2 with the record of the immigration hearing.

Q. Do you recall, Mr. Denny, that any testimony was given, any direct testimony was given, by Adriano Llanos as the result of your questioning in regard to his prior residence in the United States?

A. There was. I asked him if he had been in the United States before.

Q. What did he say?

A. He said he had not.

Q. Was there any direct testimony in regard to his record, his prior criminal record?

A. I asked him if he had ever been arrested and

(Testimony of Lewis A. Denny.)

convicted of any crimes, either here, in the Philippine Islands or elsewhere, and he said no.

Q. Was there any testimony, any direct testimony, in regard to his prior deportation from the United States, if any?

A. I asked him if he had ever been arrested.

The Court: Is this in this transcript?

The Witness: Yes.

Mrs. Bulgrin: Yes. [15]

The Witness: I asked him if he had been arrested.

Mr. Kolts: The transcript would be the best evidence.

The Court: Objection sustained.

Mrs. Bulgrin: It hasn't been offered in evidence.

The Court: Calling your attention to Exhibit 1 for identification, have you examined that since it was transcribed?

The Witness: I have, sir.

The Court: Does that correctly state the questions you asked and the answers which were given?

The Witness: It was.

The Court: Upon that occasion?

The Witness: Yes, your Honor.

Mrs. Bulgrin: At this time, your Honor, I would like to offer the copy into evidence.

The Court: Exhibit No. 1?

Mrs. Bulgrin: Exhibit No. 1.

The Court: In its entirety?

Mrs. Bulgrin: Yes, your Honor.

The Court: Admitted.

(The document referred to was marked Government's Exhibit No. 1 and received in evidence.)

(Testimony of Lewis A. Denny.)

[Printer's Note]: Exhibit No. 1 is set out in full at page 33 of this printed Record.

Mrs. Bulgrin: Also I would like to offer into evidence at this time Exhibit No. 2.

The Court: Admitted. [16]

(The document referred to was marked Government's Exhibit No. 2 and received in evidence.)

By Mrs. Bulgrin:

Q. Mr. Denny, calling your attention to this sheaf of papers here, can you identify these documents?

A. I can. The folder which you have handed me is the central office file of the Immigration and Naturalization Service, consolidated No. A-2699053.

Q. What occasion did you have to view this file or work with it, Mr. Denny, prior to the time of this trial?

A. On February 10th, when I served the warrant of arrest on Mr. Llanos, I fingerprinted him and submitted his fingerprints to the Federal Bureau of Investigation, and when the report came back showing that he had been previously deported I wrote to the central office for this file, and this is the file that they sent me. And I found in that file an executed warrant of deportation showing that the man had been deported, or a man of his name had been deported, from San Francisco on February 14, 1940 in the S.S. President Coolidge.

Mrs. Bulgrin: I would like to have at this time this warrant of deportation of alien marked for identification.

(Testimony of Lewis A. Denny.)

Also, your Honor, I have a photostat of that which I will exhibit to counsel which I would like to substitute.

Mr. Kolts: I have no objection, your Honor, to the [17] filing of the photostat in lieu of the original.

The Court: Very well.

The Clerk: No. 3 for identification.

(The document referred to was marked Government's Exhibit No. 3 for identification.)

By Mrs. Bulgrin:

Q. Mr. Denny, I exhibit to you a document marked "Description of Person Deported," and ask you if you can identify this document.

A. I can.

Before I secured the central office file from Washington I, having knowledge that the man of this name had been deported, requested the San Francisco file.

Q. Mr. Denny, is this sheaf of papers that I hold in my hand the San Francisco file?

A. Yes, File 12020/28134.

Q. Is that the file you received in response to your request?

A. That is. And in this file I found this description of person deported, bearing a photograph which I recognized as being the photograph of the defendant Llanos.

Mrs. Bulgrin: I would like to have this document also marked for identification. I also have a photostat.

Mr. Kolts: No objection.

The Clerk: No. 4 for identification. [18]

(Testimony of Lewis A. Denny.)

(The document referred to was marked Government's Exhibit No. 4 for identification.)

Mrs. Bulgrin: Your Honor, at this time I would like to offer exhibits marked for identification Nos. 3 and 4 into evidence.

The Court: Admitted.

(The documents referred to were marked Government's Exhibits Nos. 3 and 4 and received in evidence.)

Mrs. Bulgrin: That is all.

The Court: Cross examine.

Cross-Examination

By Mr. Kolts:

Q. Mr. Denny, did you have any conversation with the defendant on this day of April 20th which was not placed in the record?

A. No, not during the time of the hearing; not at all.

Q. Well, shortly prior to or at the conclusion of the hearing?

A. I probably did tell him that I wouldn't hear the testimony of his wife that afternoon because I had introduced three additional charges against him and asked him if he wanted to be represented by counsel.

Q. Just before the conclusion of this particular hearing he admitted to you the fact that he had been deported, did he not? [19]

A. He did, when I showed him the report of the

(Testimony of Lewis A. Denny.)

Federal Bureau of Investigation. He stated that that record related to him.

Q. And he also admitted to you the fact that he had been previously convicted, I believe it was in the city of Portland? A. He did.

Q. He admitted to you that he had been convicted in the state courts of the state of California, did he not? A. He did.

Q. Did he give you any reason for the previous statement that he had made to you?

A. I didn't ask him for that, except to this extent: I asked him if that record related to him, and I think the transcript contains his statement, "Yes, it does, but don't tell my wife, she would spring a fit."

Q. That is correct.

The Court: Just a minute now. The transcript here which is Exhibit No. 1?

The Witness: Yes, sir.

The Court: Do you know what page that is on?

The Witness: I think it is down about page 10.

Mr. Kolts: I believe you will find that question on page 10, the last two questions.

The Witness: Yes. [20]

By Mr. Kolts:

Q. Did he tell you at any time how he happened to come to this country the second time after he had been deported?

A. Yes. I questioned him very carefully about that, and as I remember he told me that he had been evacuated here by the Army from the Philippine

(Testimony of Lewis A. Denny.)

Islands because of the fact he had an American citizen wife.

Q. Did he tell what conversation he had with the immigration inspectors in Hawaii?

A. Yes, he did.

Q. What did he tell you about that?

A. He told me that he had told them he had never lived in the United States before, that he was the husband of an American citizen wife.

Q. Did he tell you why he made that statement to them in Hawaii? A. That I can't recall.

Mrs. Bulgrin: Your Honor, I would like to object to that question. I believe it is immaterial.

The Court: Objection overruled. He said he cannot recall.

By Mr. Kolts:

Q. Did he tell you at any time, Mr. Denny, why he had made these various statements which were untrue? [21]

A. I believe the record shows that he said that he didn't want his wife to know about his past record; yes.

The Court: You mean your record shows that?

The Witness: I am sure it does.

The Court: You mean this record?

The Witness: Exhibit No. 1 shows that.

By Mr. Kolts:

Q. Now in any conversation you had with him on that day, either on the record or off the record, did he tell you that while he was in the Philippines he had been a member of the guerrillas?

Mrs. Bulgrin: Your Honor, I think that is highly

(Testimony of Lewis A. Denny.)

incompetent, irrelevant and immaterial, and I think it is objectionable because it does not go to the heart of this charge. The fact that he was in the guerrilla forces is immaterial to the fact that he allegedly committed perjury and would offer no excuse for his perjured statement.

The Court: I suppose it goes to the intent, criminal intent. The objection is overruled.

The Witness: He did say something to the effect that at one time or another during the occupation that he had been associated with or part of the guerrilla forces in the Philippine Islands; yes.

By Mr. Kolts:

Q. Did he further tell you that at the time he and [22] his wife, his children, arrived in Hawaii that the fighting was going on in the Philippines?

A. Now that I can't tell you, sir. I don't recall that I asked a question along that line.

Q. Do you recall his telling you that the reason that he misrepresented the facts to the Immigration Service in Hawaii was because he was afraid if he told the truth—

A. That is right, I recall.

Q. —that they would ship him and his wife and two children back to the Philippines and he might be killed?

A. I recall him saying that; yes.

Q. He made that statement?

A. He did make that statement.

Q. At the time of this hearing he was not represented by counsel, was he?

A. He was advised of his right and waived the right to be represented by counsel on the first occasion.

(Testimony of Lewis A. Denny.)

Q. But subsequently he was represented by counsel?

A. Later he was represented by Mr. Finch; yes.

Mr. Kolts: That is all. Thank you.

The Court: Step down.

(Witness excused.) [23]

* * * *

ADRIANO SENARILLOS-LLANOS

called as a witness in his own behalf, having been first duly sworn, was examined and testified as follows: [29]

The Clerk: Will you state your full, true and correct name?

The Witness: Adriano Senarillos-Llanos.

The Clerk: Your address?

The Witness: 800 East Edgeware Road.

The Clerk: Take the stand.

Direct Examination

By Mr. Kolts:

Q. You are the defendant, Mr. Llanos?

A. Yes, sir.

Q. And you saw the record of a certain crime of which you were convicted in the city of Portland, Oregon, is that true? A. Yes, sir.

Q. You were also convicted of a felony and sentenced to San Quentin Penitentiary in the state of California, is that true? A. Yes, sir.

Q. And you were subsequently deported to the Philippine Islands? A. Yes, sir.

(Testimony of Adriano Senarillos-Llanos.)

Q. Now what did you do after you arrived in the Philippine Islands?

A. I was working in a big company there buying and selling, and in 1940 I got married. [30]

Q. And you are still living with your wife?

A. Yes, sir.

Q. Who was an American citizen?

A. Yes, sir.

Q. Do you have any children? A. Yes, sir.

Q. How many of them? A. Two.

Q. Now what, if anything, did you do when the war broke out?

A. Well, when the war broke out I joined the Filipino-American guerrillas in the Philippines.

Q. How long did you serve with them?

A. Until the Americans came to the Philippines.

Q. On what date did you leave the Philippine Islands? A. That was in May.

Q. May of what year? A. 1945.

Q. Before you left were you examined by any immigration officials?

A. Yes, I was examined right there in Manila by the American Army Consul.

Q. Was there fighting going on in the Philippines at that time? A. Yes, sir. [31]

Q. What was your reason for desiring to leave the Philippines?

A. You see, I was afraid that my wife and my two children would get killed by the Japanese.

Q. You were again examined by the immigration officials upon your arrival in Hawaii, were you not?

A. Yes, sir.

(Testimony of Adriano Senarillos-Llanos.)

Q. What did you tell them, if anything, about your past history?

A. Well, I denied everything there in Hawaii.

Q. What was your reason for making that denial there?

A. Well, you see, I was afraid that if they knew it they will send us back to the Philippines.

Q. Your wife and your two children included?

A. My wife and two children.

Q. Were you again examined in San Francisco by the immigration officials?

A. Yes, sir.

Q. What did you tell them in San Francisco?

A. Well, I denied it in San Francisco.

Q. Then do you recall being examined by Mr. Denny?

A. Yes, sir.

Q. And at first you denied the facts of your two prior convictions and your deportation from this country to Mr. Denny, didn't you? [32]

A. Yes, sir.

Q. But subsequently in the same hearing you admitted that you had not told them the truth and that those things were true?

A. Yes, sir.

Q. Now what other conversation did you have with Mr. Denny concerning your making those statements?

A. I told Mr. Denny—well, in the first place, I denied it, and the last time that I talked with Mr. Denny I told him the truth.

Q. Did you tell Mr. Denny why you were then telling the truth?

A. I told Mr. Denny that I told the truth because I—I forget now.

(Testimony of Adriano Senarillos-Llanos.)

Q. Do you recall what you told him in that regard?

A. Yes, I told Mr. Denny that the reason why I told, why I denied it, was because I was afraid that they would send my wife and children back to the Philippines.

Q. Did you have any other conversation with Mr. Denny along that subject? A. Yes.

Q. Just tell us what you said to him and what he said to you.

A. Well, I don't remember now. I talked to Mr. Denny about—I don't remember now. [33]

Q. Did you relate to Mr. Denny in substance the same thing that you have testified to here?

A. Yes, sir.

Mr. Kolts: Thank you. You may cross-examine.

Cross-Examination

By Mrs. Bulgrin:

Q. Mr. Llanos, you say you were a member of the Philippine guerrillas? A. Yes, sir.

Q. How long were you so engaged?

A. About two years and a half.

Q. What were the dates involved?

A. Well, I could not recall now but I have the papers in the house. It is 1943 or something.

Q. To 1945? A. 1945.

Q. To your best knowledge, can you give an estimate of how many of your people were so engaged in guerrilla activities at that time?

A. Well, so many I could not recall.

(Testimony of Adriano Senarillos-Llanos.)

Q. Would you say that most of your people over there were engaged in guerrilla action?

A. Not most of them.

Q. A great number of them were engaged in guerrilla activities? [34]

A. Yes, ma'am.

Q. Well, in May, 1945, Mr. Llanos, were the Japanese still on the Philippine Islands?

A. Yes, ma'am.

Q. Were there a great number of them left?

A. Yes, ma'am. Heavy fighting was still going on when I left.

Q. Up in the hills or what?

A. Right in the city.

Q. Right in the city? A. Yes, ma'am.

Q. That was in 1945? A. 1945.

Q. What else did you do during the time you were in the guerrillas, Mr. Llanos?

A. Fight against the Japanese.

Q. Was that a full-time occupation or is that something you carried on as a sideline?

A. Well, that was during our war time.

Q. You say you worked for a big company over there? A. Yes, ma'am; that was 1940.

Q. In 1940? A. Yes.

Q. Did you terminate your work there or did you continue working in this company? [35]

A. No, ma'am.

Q. You ended your work there?

A. Yes, ma'am.

Q. You stopped working there?

A. Stopped working.

Q. Mr. Llanos, you were examined sometime in

(Testimony of Adriano Senarillos-Llanos.)

May, 1945, by the American Army, by the Army authorities, on the Philippine Islands, is that right?

A. That is right.

Q. In regard to your going back to the United States? A. Yes, ma'am.

Q. The American forces were occupying that region at the time, were they not?

A. Some part, some parts not.

Q. Were they occupying the region in which you lived, your wife and children lived?

A. No, they didn't at that time.

Q. Was there any possibility of your wife and children moving to a region which was protected by the Army authorities? A. No.

Q. You say, Mr. Llanos, that you were examined in San Francisco and you again denied your prior record, is that right? A. Yes, ma'am. [36]

Q. And that you denied it again before Inspector Denny? A. Yes, ma'am.

Q. At the time you made your first denial, Mr. Llanos, did you have two children?

A. Yes, ma'am.

Q. How old were they?

A. The oldest one is six and the other one is—no, I made a mistake. What was the question, please?

The Court: Did you have two children, and how old were they—when, counsel?

Mrs. Bulgrin: In 1945.

The Witness: I only have one in 1945.

By Mrs. Bulgrin:

Q. You only had one child in 1945?

A. Yes.

(Testimony of Adriano Senarillos-Llanos.)

Q. What city did you live in? A. Manila.

Q. In Manila? A. Right in Manila.

Q. And you say there was fighting in Manila?

A. That is right.

Q. Between the Japanese and the Americans?

A. Yes, ma'am.

Mrs. Bulgrin: That will be all.

Mr. Kolts: Nothing further. [37]

The Court: Step down.

(Witness excused.)

* * * *

[Endorsed]: Filed March 1, 1949.

GOVERNMENT'S EXHIBIT No. 1

Form 16-212 10-15-1945

United States Department of Justice
Immigration and Naturalization Service
Los Angeles District

File Numbers: A. R.: A-6299053; C. O.: A-6299053;
Dist.: 1600-31427; Port.: 1600-31427.

Report of Hearing (Under 8 CFR 150.10) in the
Case of Adriano Llanos-Senarillos.

Place: Los Angeles 13, California. Date: April 20,
1948.

Presiding Inspector: Lewis A. Denny. Stenog-
rapher: Katherine Blum. Alien's representative:
None.

Warrant of arrest issued under provisions of 8
CFR 150.10, served on February 10, 1948.

Government's Exhibit No. 1—(Continued)

Respondent given copy of warrant of arrest.

Alien informed that he may be represented by counsel.

Presiding Inspector to Respondent

Q. What is your full and correct name?

A. Adriano Senarillos Llanos.

Q. Are you able to speak and understand the English language? A. Yes.

Q. Have you filed with this Service Form I-256, Submission to Deportation Process and Application for Suspension of Deportation, and Form I-55, General Information Form, together with supporting documents requesting suspension of deportation?

A. Yes, sir.

Q. You are advised that the purpose of this hearing is to establish the facts as to your deportability from the United States and eligibility for suspension of deportation. Do you understand?

A. Yes, sir.

Q. Do you solemnly swear that all the statements you are about to make will be the truth, the whole truth, and nothing but the truth, So Help You God?

A. I do.

Q. You are informed that if you wilfully and knowingly give false testimony at this proceeding, you may be prosecuted for perjury, the penalty for which is imprisonment of not more than five years or a fine of not more than \$2,000, or both such fine and imprisonment. Do you understand?

A. Yes, sir.

Government's Exhibit No. 1—(Continued)

Q. You are further advised that false answers to any of the questions in your Application and General Information Forms or at this hearing may bar you from the relief which you request. Do you understand? A. Yes, sir.

Q. You have previously filed with this Service Form I-256, Submission to Deportation Process and Application for Suspension of Deportation, and General Information Form, I-55? A. Yes, sir.

Q. At this time I ask you to examine both the Form I-256 and I-55 and state whether there are any changes in them that should be made, such as place of residence, your financial standing, matter of arrests, or employment?

(Respondent is handed Form I-256 and Form I-55, examines them, and returns them to the Presiding Inspector.)

Q. (Continued): Is that correct?

A. Yes, sir.

Q. Did you check Item 24 on page 3 of the General Information Form, I-55; I notice that you did not consume much time in reading it. Is that correct?

A. Yes, sir.

Q. Are there any changes to be made?

A. No, sir.

Q. I now enter of record, as exhibits, identified by number, the following documents which relate to this proceeding and which will be considered in arriving at a decision in your case. Do you understand?

A. Yes.

Government's Exhibit No. 1—(Continued)

Exhibit 1—Copy of warrant of arrest issued by the District Director at Los Angeles, California, on the 27th day of May, 1947, in the case of Adriano Llanos-Senarillos.

Exhibit 2—Form I-256, Submission to Deportation Process and Application for Suspension of Deportation, and Form I-55, General Information Form, executed by Adriano S. Llanos, which you have examined and stated is correct.

Q. Is that right? A. Yes, sir.

Exhibit 3—Form I-405, Certificate of Arrival of Alien Airman or Seaman, recording the arrival and admission at San Francisco, California, of one Adriano Llanos on the SS. Admiral W. L. Capps, as a seaman for a period of 29 days, on Jan. 12, 1947, under Executive Order No. 9352, which I ask you to examine, and then state whether that record relates to you.

(Respondent is handed Form I-405, examines it, and then returns it to the Presiding Inspector.)

By Respondent: That is right.

Q. Is that your record? A. Yes.

Exhibit 4—Form I-404, recording the arrival and admission at San Francisco, California, from the SS. "Monterey" on May 26, 1945, of one Adriano Llanos, an admission on primary inspection, accompanied by Grace Llanos (Dollison) United States citizen, and Samuel, aged 1, admitted as a visitor for pleasure under Section 3(2) of the Act of 1924 for a period of one year.

Government's Exhibit No. 1—(Continued)

Q. I ask you to examine this and state whether or not this record relates to you?

(Respondent is handed Form I-404, examines it, and then returns it to the Presiding Inspector.)

A. That is right.

Q. Were you and your wife evacuated from the Philippine Islands by the United States Army on that occasion? A. Yes.

Q. What is the date of your marriage?

A. Our house was burned so we had to remarry again.

Q. What is the date of your marriage?

A. April 11, 1945.

Exhibit 5—Photostatic copy of a marriage contract between Adriano Llanos and Grace Dollison, dated the 11th day of April, 1945. (This document is handed to respondent.)

Q. What is this?

A. That is the back of the contract.

Photostatic copy of the reverse side of the contract is endorsed to show the admission of Adriano Llanos for a period of one year at San Francisco, as shown in Exhibit 4.

Exhibit 6—Photostatic copy of baptismal certificate of Samuel Llanos and certification of baptism in the English Language over the signature of Frances H. Purtell, Notary Public.

Exhibit 7—Photostatic copy of birth certificate of Wilhelmina Llanos showing birth at Los Angeles,

Government's Exhibit No. 1—(Continued)
California, on the 17th day of February, 1947, of
Adriano Llanos and Grace Anne Dollison.

Exhibit 8—Affidavit of Annabelle Keen, executed
on the day of and not notarized, and
will be returned to respondent in order to correct
the defect in the affidavit.

Exhibit 9—Affidavit of Fred A. Dollison, 800 E.
Edgeware Road, Los Angeles, California, executed
on the day of which likewise will be
returned to respondent for the completion of jurat.

Exhibit 10—Affidavit of Trinidad M. Holmes. 322
North Bixel Street, Los Angeles, which likewise will
be returned to respondent for completion of the
jurat.

Exhibit 11—Report of independent character in-
vestigation dated at Los Angeles, California, Janu-
ary 26, 1948.

Q. I ask you to read this report and state whether
there is any objection to its inclusion in the record.
(Report handed to respondent, who, after reading
it, returns it to the Presiding Inspector.)

A. They made a mistake here, sir.

Q. Where?

A. I was not a bar boy at the Delmar Beach Club,
I was a waiter.

Exhibit 12—Report of independent investigation
conducted at San Pedro, California, dated June 10,
1947, and signed Charles S. Williams, Immigrant In-
spector.

Q. I ask you to read this, and state whether there
is any objection to its inclusion in the record. (Read

Government's Exhibit No. 1—(Continued)
by respondent and returned to the Presiding Inspector.)

A. That is all right.

Exhibit 13—Report from the Bureau of Resources and Collections, County of Los Angeles, dated July 1, 1947, signed Lurline Porterfield.

Q. I ask you to read this report, and state whether there is any objection to its inclusion in the record. (Read by respondent and returned to the Presiding Inspector.)

A. That is true, we were assisted by the United States Government when we arrived; they gave us money for food and clothing.

Q. What is the date of your birth?

A. September 8, 1906.

Q. Where were you born?

A. Cebu, Philippine Islands.

Q. Of what race of people are you?

A. Filipino.

Q. What is your religious belief?

A. Catholic.

Q. Where were you baptized?

A. At Cebu, P.I.

Q. What was the name of the church?

A. It is a small town church, I can't remember the name.

Q. Where did you go to school?

A. At Cebu.

Q. Is Cebu a province?

A. Where we lived it is a small town.

Q. What is the name of the town?

Government's Exhibit No. 1—(Continued)

- A. Sibonga.
- Q. How far did you go in school?
- A. I went as far as the first year.
- Q. What languages do you write?
- A. Four, Spanish, Talalog, Visayan and English.
- Q. Do you understand my questions?
- A. Yes.
- Q. What is your occupation?
- A. I am a waiter now.
- Q. What is your father's name?
- A. Martin Llanos.
- Q. Where was he born?
- A. In Sibonga, Cebu.
- Q. Of what race of people was he?
- A. Filipino.
- Q. Is he living? A. No, he is dead.
- Q. Where did he die?
- A. In the same town, Sibonga, Cebu.
- Q. Of what country was he a citizen?
- A. Philippine Islands.
- Q. What was your mother's maiden name?
- A. Feliciano Senarillos.
- Q. Where was she born?
- A. In the same town, Sibonga, Cebu.
- Q. Of what race of people was she?
- A. Filipino.
- Q. Is she living? A. Yes.
- Q. Where? A. In Sibonga, Cebu.
- Q. Of what country is she a citizen?
- A. She is a Filipino citizen.
- Q. Of what country are you a citizen?

Government's Exhibit No. 1—(Continued)

A. Right now I am a Filipino, sir.

Q. Do you have evidence that you have registered under the Alien Registration Act of 1940?

A. Yes.

Presents: Form AR-3, No. 6299053, issued to Adriano Senarillos-Llanos, c/o 800 East Edgeware Road, Los Angeles 26, California.

Q. Do you still live at that address?

A. Yes.

Q. Are you married or single? A. Married.

Q. How many times have you been married?

A. First time.

Q. What was the name of your wife?

A. Grace Dollison-Llanos.

Q. Where was she born?

A. Philippine Islands.

Q. Had she ever been married before?

A. No.

Q. When were you married?

A. The first we got married I forget the date, it was in 1940, before the war.

Q. Where were you married?

A. In Manila, P. I. The church was burned too.

Q. And you were remarried again after that?

A. I was remarried because we had no record. It was destroyed.

Q. Are you living with your wife now?

A. Yes, sir.

Q. At what address?

A. 800 E. Edgeware Road, Los Angeles.

Q. Any divorce pending or contemplated?

Government's Exhibit No. 1—(Continued)

A. No.

Q. Of what country is your wife a citizen?

A. United States.

Q. Do you have any evidence of her United States citizenship? A. Yes, sir.

Presents: Certificate of Citizenship, Form N-5600, No. AA-54367 to Grace Dollison-Llanos on July 1, 1946, on Files 1600-22057 and 23-A-10549. Returned.

Q. How did your wife become a citizen, do you know?

A. Well, I think she took the citizenship of her father.

Q. Had your wife ever lived in the United States before she accompanied you here in 1945?

A. No, sir.

Q. Are there any children of your marriage?

A. Yes, we have two.

Q. What is the name of the oldest child?

A. Samuel Llanos.

Q. Where was he born?

A. In Manila, Philippines.

Q. And the facts concerning his birth are as shown in Exhibit 6, is that right? A. Yes, sir.

Q. Did Samuel also accompany you to the United States in 1945? A. Yes, sir.

Q. Have any steps been taken to legalize his United States residence? A. Yes.

Presents: AR-3 Form issued to Samuel Dollison-Llanos, No. 6299054, at same address shown above. Returned.

Q. But what I mean is this—has any application

Government's Exhibit No. 1—(Continued)

been filed in his case to suspend his deportation, has it been done in his case? A. No.

Q. Do you plan to do so?

A. My wife applied, because we heard a child born in a foreign country during Japanese occupation, under the American Law becomes a citizen. I don't know if that is true but my wife has started to find that out.

Q. When and where did you last enter the United States?

A. On the "Admiral Capps" at San Francisco.

Q. What name did you use on the "Admiral Capps"?

A. The same name.

Q. Were you a seaman or passenger?

A. A seaman.

Q. Where did you sign on that ship?

A. At San Francisco.

Q. When did you sign on?

A. I forget now, I have the discharge paper at the house.

Q. Would it be about the 29th day of November, 1946?

A. Yes, I think that was the date.

Q. Where did you go to?

A. To Korea.

Q. And when you returned to the United States on January 12, 1947, you were admitted as a seaman according to Exhibit 3 for a period of 29 days; is that right?

A. Yes.

Q. Have you left the United States since that time?

A. No, sir.

Q. You were examined by United States Immi-

Government's Exhibit No. 1—(Continued)
gration Officers according to Exhibit 3 at that time.
Is that right? A. Yes.

Q. And then admitted for 29 days?

A. Yes, sir.

Q. Now, as a matter of fact, what was your intention with reference to remaining in the United States when you arrived at San Francisco on the "Admiral Capps" on January 12th of last year?

A. Well, I received a letter from Mr. Keegan of the Immigration.

Q. Where?

A. I forget now. I applied for suspension of deportation.

Q. Now, before arriving in San Francisco in January of 1947 had you been examined by United States Immigration Officers?

A. Yes, in San Francisco.

Q. Now that was earlier, was it? A. Yes.

Q. Have you been out of the United States at any time since January 12, 1947? A. To Honolulu.

Q. When did you go to Honolulu?

A. I went to get a job in the Royal Hawaiian Hotel. I didn't stay long.

Q. When was that?

A. I don't remember the date, but that was still the United States.

Q. That is right. But what I am asking you about was in November of last year? A. That is right.

Q. Now, when you arrived at San Francisco on Jan. 12, 1947, intending to remain in the United States, did you have in your possession and surren-

Government's Exhibit No. 1—(Continued)

der to the American Immigration Officers there a visa issued by an American Consul designating you an immigrant coming to the United States to live?

A. A visa?

Q. Did you go to an American Consul and get a visa?
A. No, I didn't.

Q. Have you ever been legally admitted to the United States on presentation of an immigration visa?
A. No.

Q. Have you ever paid a head tax to be legally admitted to the United States for permanent residence?

A. I paid \$8.00. I don't know if that was head tax.

Q. When was that?

A. In May, 1945, I paid \$8.00, I think it was alien tax.

Q. Have you ever been refused admission to the United States?
A. No.

Q. Did you ever try to come in and have the Officers send you back?
A. No.

Q. Exhibit No. 4 is Form I-404, Certificate of Admission of Alien, recording your arrival and admission at San Francisco from the "Monterey" on May 26, 1945, at which time you were accompanied by your wife and son, indicates that you were admitted then for a visit of one year. Is that right?

A. Yes.

Q. And after that you shipped out on the "Admiral Capps"?

A. No, first it was the "Buchanan."

Q. And then?

Government's Exhibit No. 1—(Continued)

A. I stayed here and then I got a notice I had to ship out.

Q. Where?

A. I got a notice I had to go out of the country, at San Francisco.

Q. Then what?

A. That is why I joined the "Admiral Capps." I thought the boat would go to the Philippine Islands.

Q. Now, Exhibit No. 4, which we have identified previously, showing you to have arrived in San Francisco in May of 1945, indicates that you had never before lived in the United States. Is that right?

A. Yes.

Q. You never lived here? A. No.

Q. Have you ever been arrested and deported out of the United States? A. No.

Q. Have you ever been arrested and convicted of any crimes either here or in the Philippine Islands, or elsewhere? A. No.

Q. Do you recall shortly after you first came to the United States in 1945, and to be exact, on September 11, 1946, you made a statement before Inspector Young in this office? A. I think so.

Q. I show you the original of the statement made on September 11, 1946, in Los Angeles by Adriano Llanos-Sinarillos, and ask you to read that and state if that is true and correct? (Statement read by respondent and returned to the Presiding Inspector.)

A. Yes, sir.

Q. A copy of the transcript of the sworn statement which you have made and acknowledged as be-

Government's Exhibit No. 1—(Continued)

ing correct, dated September 11, 1946, is made a part of the record in your hearing and marked Exhibit 14.

Any objection? A. No.

Q. Now you recall on that occasion when asked "Have you registered under the Alien Registration Act of 1940" and you said, "Yes, my Alien Registration Receipt Card number is 6299053"; will you compare that number with the number on the alien receipt card you have shown here this morning?

A. No. 6299053.

Q. When did you register under the Act of 1940?

A. Shortly after I came here.

Q. Do you recall you were then fingerprinted on that occasion? A. Yes, sir.

Q. Do you recall that on February 10th of this year when I served you with the Warrant of Arrest you were also fingerprinted? A. Yes.

Q. I show you at this time, and ask you to examine Form T-2 of the Federal Bureau of Investigation, dated February 19, 1948, relating to one Eddie Sinarillos, Adrian Llanos, Adrian S. Llanos, Adie Lanos Sikirillos, and other names, and then state if that is your record? (Respondent examines Form T-2 and then returns it to Presiding Inspector.)

A. Yes, that is my record. But please don't tell my wife because she would spring a fit.

Q. Now this record indicates that in 1932 at Los Angeles, California, you were placed on probation on the charge of Burglary. Is that correct?

A. Correct, but——

Q. The record also indicates that you have been

Government's Exhibit No. 1—(Continued)
convicted on several occasions, once in Portland, Oregon, and again in Los Angeles—

A. In Seattle, Washington, I was never convicted there, it was the other fellow.

Q. Now, I show you, at this time, a complaint filed in the Municipal Court of the State of Oregon for the City of Portland, County of Multnomah, on the 22nd day of March in the year 1935, wherein it is charged that one Adrian Llanos and Eddie Burges on the 15th day of March in 1935, in the City of Portland, County of Multnomah, State of Oregon, then and there being, did then and there unlawfully take, steal and carry away certain personal property, to-wit: 3 Japanese Kimonas, 3 sashes, 1 ladies fur coat of the value of \$34.00, the property of Roy Akiyama, and a Judgment in the related file, dated the 22nd day of March, 1935, on a plea of guilty to the charge of Petit Larceny, sentenced to serve 365 days in a Multnomah Jail, and ask you to examine that record and then state whether that relates to you. (Record examined by respondent and returned to Presiding Inspector.)

A. That is right.

Q. How did you plead to that offense in Portland in 1935, guilty or not guilty?

A. The other fellow pleaded guilty, so I had to also.

Q. You did plead guilty? A. Yes.

Q. Were you guilty?

A. I was not guilty of the case, but I pleaded guilty.

Government's Exhibit No. 1—(Continued)

By Presiding Inspector:

A certified copy of the Judgment, dated the 22nd day of March, 1935, will be made a part of the record of your hearing and marked as Exhibit 15, together with a copy of a transmittal letter dated March 31, 1948, signed D. W. Tomlinson, Officer in Charge, Portland, explaining the absence of the copy of complaint at the present time, but inasmuch as original certified copy of the complaint filed on the 22nd day of March, 1935, is included in the record of a prior hearing contained in file A-6299053, it is included in your record of hearing by reference.

Copy of T-2, which you have examined and state relates to you, will be made a part of the record of hearing in your case and marked Exhibit 16.

Presiding Inspector to Respondent:

Q. You were also convicted in the city of Los Angeles, were you not? A. Yes, sir.

Q. In what year was that? A. In 1937.

Q. Were you charged with Burglary?

A. Yes.

Q. I show you at this time a certified photostatic copy of an Information filed in the Superior Court of the State of California, County of Los Angeles, No. 68462 in an action styled The People of the State of California, Plaintiff vs. Adrian Llanos, Defendant, on the 22nd day of June, 1937, charging the defendant Adrian Llanos with the crime of Burglary, a felony, in that on the 7th day of June, 1937, at and in the County of Los Angeles, State of California, did willfully, unlawfully and feloniously enter the

Government's Exhibit No. 1—(Continued)
house and building occupied by one Mrs. Lily White, in the City of Los Angeles, County and State aforesaid, with the intent then and there and therein to unlawfully and feloniously commit theft, and a Judgment of Court entered on the 21st day of July, 1937, wherein it is shown that Adrian Llanos, having pleaded guilty to the offense of Burglary, a felony, as charged in the Information, be punished by imprisonment in the State Prison of the State of California at San Quentin for the term prescribed by law, which I ask you to examine and then state whether that record relates to you. (These documents examined by respondent and returned to the Presiding Inspector.)

A. Yes.

Q. How did you plead to that offense?

A. Because I had to plead guilty, I was advised to do so by the attorney, he told me to.

Q. Did you plead guilty? A. Yes.

Q. Were you guilty?

A. So far as I know I was an accomplice.

Q. Did you enter the house of Mrs. Lily White?

A. It was the other boy, but I was the one picked up.

Q. Where were you picked up?

A. Right near the house.

Q. Were you in the house or out of it?

A. Right in the Court.

By Presiding Inspector:

Now a copy of the certified photostatic copy of Court Record, which you have examined and state

Government's Exhibit No. 1—(Continued)

relates to you, is made a part of the record of your hearing, and marked Exhibit 17.

Presiding Inspector to Respondent:

Q. An examination of Exhibit 16, indicates that in 1937, after having been convicted you were imprisoned at San Quentin. Is that right?

A. Yes, sir.

Q. That imprisonment was a term fixed for 15 years, or five years to life, is that right, that is, the statutory term was 5 years to life, and was fixed for 15 years for the Parole Board.

A. I got out in less than five years.

Q. How were you released from San Quentin?

A. I was paroled to the Philippines.

Q. As a matter of fact you were paroled to the Immigration Service for deportation, were you not?

A. Yes.

Q. And you were deported? A. Yes.

Q. Were you accorded a hearing by Immigration Officers while confined at San Quentin?

A. Yes, I had a hearing.

Q. And it was after that hearing you were taken from San Quentin and placed aboard a ship and removed from the United States by the Immigration Service? A. Yes.

Q. Do you recall when you were taken from San Quentin and placed aboard the ship?

A. Yes, that was on the "President Coolidge."

Q. In what year was that? A. In 1940.

Q. I show you at this time the Warrant of Deportation issued on the 29th day of August, 1938, on

Government's Exhibit No. 1—(Continued)
Central Office File No. 55972/550, San Francisco number 12020/28134, wherein it is directed that Adrian Llanos or Adriana Llano or Adrian Llanos who entered the United States at Astoria, Oregon, on the SS. "West Hixton" on the 4th day of September, 1926, is subject to deportation under Section 19 of the Immigration Act of February 5, 1917, being subject thereto under the following provisions of law, to wit: The Act of 1917, in that he has been sentenced, subsequent to May 1, 1917, to imprisonment more than once for a term of one year or more for the commission subsequent to entry of a crime involving moral turpitude, to wit: Petit Larceny; and Burglary, first degree. Executed on the reverse to show "Executed February 14, 1940, ex. SS. "President Coolidge," signed William A. Motter, Guard. Deported to Manila, P. I.," and ask you to examine this record and then state if that record relates to you and if that is the charge on which you were deported. (Respondent examines the record and returns it to the Presiding Inspector.) A. Yes.

By Presiding Inspector:

A true copy of the Warrant of Deportation which has been identified and shown to have been executed, will be made a part of your record of hearing, and marked Exhibit 18.

Presiding Inspector to Respondent:

Q. Now, as I understand from the record, a hearing was held at San Quentin while you were confined there, is that right? A. Yes.

Q. And I show you, at this time, Form 535, De-

Government's Exhibit No. 1—(Continued)

scription of Person Deported, dated at San Francisco on the 7th day of February, 1940, San Francisco file 12020-28134, bearing a photograph identified by number 60693, 1940, describing Adriana Llanos, age 31 years, married, height 5' 4", departed from Honolulu, T. H. ex SS. "President Coolidge" February 19, 1940, and ask you to examine this document and photograph, and state whether that relates to you. (Document and photograph examined by respondent and returned to the Presiding Inspector.)

A. Yes.

By Presiding Inspector:

A photostatic copy of the Form I-535, description of person deported, will be made a part of the record in your hearing and marked Exhibit 19.

Presiding Inspector to Respondent?

Q. Now were you married at that time?

A. That was just a common law wife. We had been living together for about two years.

Q. Who was she? A. Victorine Harlowe.

Q. Were there any children of that union?

A. No.

Q. Where is that person now?

A. I don't know. I haven't heard from her since I was inside.

Q. Now you are informed that this proceeding, which arose under suspension provisions of law and Section 150.10 of Part 150 of the Code of Federal Regulations, is now terminated, and your hearing henceforth will be conducted under the provisions of Section 150.6 of 8 C.F.R.

Government's Exhibit No. 1—(Continued)

Now, before returning to the United States in 1945 had you applied for and received in writing from the Attorney General of the United States, his written permission for you to attempt to enter or enter the United States? A. No, I did not get it.

Q. You are now placed on notice that in addition to the charge contained in the warrant of arrest, you appear to be subject to deportation under Section 19 of the Immigration Act of February 5, 1917, as amended on the following charges:

(1) In that you admit having committed a felony or other crime or misdemeanor involving moral turpitude prior to entry into the United States, to wit: Petit Larceny and Burglary, a felony;

(2) In that you have been convicted of a felony or other crime or misdemeanor involving moral turpitude prior to entry into the United States, to wit: Petit Larceny and Burglary, a felony;

(3) The Act approved March 4, 1929, as amended, and the Act of February 5, 1917, in that you entered in violation of Section 1(a) of said Act of March 4, 1929, being an alien who had been arrested and deported in pursuance of law and to whom the proper authority had not granted permission to reapply for admission.

Q. Now, under these additional charges you have the right to be represented by an attorney at law, immigration counselor or other person who has been admitted to practice before this Service. Do you wish to be so represented?

A. Well, we have not much money now, what I

Government's Exhibit No. 1.—(Continued)

am earning now is about \$9.00 a day. I will try to get one.

Q. Are you able to post a bond for your release pending the completion of your immigration proceedings? A. How much?

Q. \$500.00? A. Yes.

By Presiding Inspector:

Let the record show that Hearing is adjourned at this point and the respondent turned over to the Investigation Section for temporary detention pending posting of Bond.

Hearing Adjourned: Alien detained in the Los Angeles County Jail, Los Angeles, California, at Government expense.

Certified a true and correct transcript of my stenographic notes of this statement. (Book 1011.)

/s/ KATHERINE BLUM,
Stenographer.

[Endorsed]: Filed March 1, 1949.

[Endorsed]: No. 12137. United States Court of Appeals for the Ninth Circuit. Adriano Llanos-Senarillos, Appellant, vs. United States of America, Appellee. Transcript of Record. Appeal from the United States District Court for the Southern District of California, Central Division.

Filed March 10, 1949.

/s/ PAUL P. O'BRIEN,
Clerk of the United States Court of Appeals for the Ninth Circuit.

In the United States Circuit Court of Appeals
for the Ninth Circuit

No. 12137

ADRIANO LLANOS-SENARILLOS,
Appellant,

vs.

UNITED STATES OF AMERICA,
Respondent.

STATEMENT OF POINT APPELLANT
INTENDS TO RELY UPON

The Appellant intends to rely upon the following point on appeal:

The fact that Adriano Llanos-Senarillos, appellant herein, in his testimony before the Immigration Inspector recanted certain statements and testimony in the same proceeding during the same session within a period of ten or fifteen minutes and that by recanting such testimony such did not constitute perjury.

Dated: March 8, 1949.

DONALD KOLTS and
ORAL R. FINCH,

By /s/ ORAL R. FINCH,
Attorneys for Appellant.

(Acknowledgment of Service.)

[Endorsed]: Filed March 10, 1949. Paul P.
O'Brien, Clerk.

[Title of U. S. Court of Appeals and Cause.]

DESIGNATION OF PRINTED RECORD
ON APPEAL

The Appellant respectfully requests that the Clerk of the Circuit Court print the following record in the above-captioned matter:

1. The testimony of Lewis A. Denny and Appellant Adriano Llanos-Senarillos given upon the trial in the District Court of the United States, in and for the Southern District of California, Central Division, on November 26, 1948.

2. Exhibit No. 1, admitted in evidence on November 26, 1948, at the trial of the above action in the said District Court.

Dated: March 8, 1949.

DONALD KOLTS and
ORAL R. FINCH,

By /s/ ORAL R. FINCH,
Attorneys for Appellant.

(Acknowledgment of Service.)

[Endorsed]: Filed March 10, 1949. Paul P. O'Brien, Clerk.

